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TO RUEHC/SECSTATE WASHDC PRIORITY 0761

INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE PRIORITY

RUCNCIS/CIS COLLECTIVE PRIORITY

RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY

RUEHAK/AMEMBASSY ANKARA PRIORITY 3741

RUEHBJ/AMEMBASSY BEIJING PRIORITY 1559

RUEHKO/AMEMBASSY TOKYO PRIORITY 1426

RUEHIT/AMCONSUL ISTANBUL PRIORITY 1995

RHMFIUU/CDR USCENTCOM MACDILL AFB FL PRIORITY

RUEHVEN/USMISSION USOSCE PRIORITY 2497

RUEAIIA/CIA WASHDC PRIORITY

RHEFDIA/DIA WASHDC PRIORITY

RHEHNSC/NSC WASHDC PRIORITY

RUEKJCS/SECDEF WASHDC PRIORITY

RUEKJCS/JOINT STAFF WASHDC PRIORITY

UNCLAS SECTION 01 OF 02 ASHGABAT 000587

SENSITIVE

SIPDIS

STATE FOR SCA/CEN, DRL

AID/W FOR EE/EA

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SUBJECT: TURKMENISTAN: CONSTITUTIONAL REFORM GETS

UNDERWAY, WITH TWO-MONTH TIMELINE

¶1. (U) Sensitive but unclassified. Not for public Internet.

¶2. (SBU) SUMMARY: Observers and citizens alike were caught off-guard when Turkmen television reported April 18 that the government had kicked off an effort to revise the national constitution. Although authorities want to present this as a transparent process, there are still many details regarding the plan for overhauling the country's most important legal document that have not been made public. Still, it is clear that the government is intent on setting up an acceptable process that will address the interests of all levels of government, and to some degree, those of the public. Trying to construct a functional draft in two months, however, will likely be a challenge for those doing the brunt of the work.
END SUMMARY.

¶3. (U) On April 18, state television news reported that during a Cabinet of Ministers meeting two days earlier, Parliament Chairperson Akja Nurberdiyeva reported on the issue of revising the country's constitution. This was the first news anyone had heard regarding constitutional reform. President Berdimuhamedov said that revising the constitution was "the demand of the times," and signed a People's Council decree establishing a constitutional commission that he will chair. Commission members had already been selected, and were at the cabinet meeting. The commission met for the first time on April 24.

¶4. (SBU) The official decree approved establishment of the commission and its work plan, and tasked the parliament with assembling all proposed changes and additions received from "special working groups," ministries and agencies. The parliament is also responsible for preparing the final draft to submit to the commission. State media will publish the details of proposed amendments throughout the process, and its journalists are supposed to attend the monthly constitutional commission meetings. State media, however, did not report on the April 24 meeting.

¶5. (U) The president instructed the parliament to send its recommendations on amendments to the commission before July

¶11. A special session of the People's Council will convene in September in Ashgabat to adopt the amendments. The press report named the specific government entities participating in working groups that will develop proposals: the Ministry of Justice, Ministry of Internal Affairs, Ministry of National Security, the Supreme Court, the Prosecutor General, the Institute of State and Law, and the Institute for Democracy and Human Rights.

¶16. (SBU) President Berdimuhamedov called for Turkmenistan's people to be allowed to comment on the proposed amendments and for the government to also consider proposals from academic entities and provincial and local governments. However, no specifics have yet emerged regarding how the public will be solicited for comment. Professor Murad Haitov, a former Fulbright Scholar who is likely the only constitutional law professor in Turkmenistan, told PolOff May 6 that the parliament had hired him to assess what Turkmenistan needs in a constitution. He said there is a plan to introduce a core framework for a revised constitution to the public, possibly by the end of May, in order to promote public and international dialogue (septel).

¶17. (SBU) However, some citizens, like the former engineer who now drives a taxi to make ends meet, are skeptical about having a role in changing the constitution: "The government doesn't care about peoples' opinions; it will revise the constitution by itself, and it will all be over quickly." The driver, not an ethnic Turkmen, said he will be most interested in changes to the nature of the presidency. "The constitution we have now says that only an ethnic Turkmen can become president. Why should that be, if a candidate was

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born here and lived here his whole life?" He also observed that people would likely consider the new constitution to be a meaningless piece of paper if it includes provisions for "eternal" or lifetime presidential terms, as it did in the past. Others have expressed interest in seeing the cumbersome, 2500-member People's Council dissolved.

¶17. (SBU) The reasons given for undertaking a major revision of the constitution have been varied. Berdimuhamedov said that some provisions of the current constitution, amended four times since independence, are "outdated, lagging behind the times, and even hindering progress." He suggested that the operations of "the highest bodies of state authority" are in need of change, from the People's Council down to local governments. He said there was a need for new methods for managing domestic socio-economic issues, and that developing more precise legislation would make that happen. Others have told Emboffs that the Constitution should be amended in order to properly implement new laws being contemplated or currently in the drafting stage.

¶18. (U) An April 28 editorial quoted the president as saying "the entire system of state administration, first of all, the highest bodies of authority" would be more effective if legislation governing their activities and lawmaking procedures were revised. The new constitution, it said, would provide the framework for Turkmenistan's conversion to a free, democratic, market economy state that enforces the rule of law and guarantees human rights.

¶19. (SBU) COMMENT: The notion of constitutional reform is a positive development. However, some have questioned the government's ability to make significant changes within the timeline that President Berdimuhamedov has laid out. The Chairman of the Institute of Democracy and Human Rights, Shirin Akmedova, lamented that the president's timeline is too short to permit holding conferences and seminars on constitutional change. Embassy hopes that, in moving ahead at full throttle, senior officials will not skimp on permitting public groups and others some sort of chance to comment, since this would enhance the credibility of the constitutional review process. END COMMENT.

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